

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

)	
JIN MING LIN, CHI WAI CHAO,)	
YOOK THAI CHEAH, MING F. FUNG,)	
MUOI GIANG, YUEN YUE SOOHOO,)	
and MEI ZHI,)	
)	
Plaintiffs,)	Civil Action No. 09-11510-GAO
v.)	
)	
CHINATOWN RESTAURANT CORP.,)	
and JOYCE P.Y. HAYES,)	
)	
Defendants.)	
)	

STIPULATION OF FACTS

The parties hereby stipulate and agree that the following are true facts in this matter:

1. Defendant Chinatown Restaurant Corporation is a domestic, for-profit corporation organized under the laws of Massachusetts with its principal place of business located in the Cardinale Plaza at 51 Oak Street Ext., Brockton, Massachusetts.

2. Defendant Joyce P.Y. Hayes was an owner, president and treasurer of Chinatown Restaurant and maintained an office at the restaurant located in Brockton, Massachusetts.

3. Defendant Joyce P.Y. Hayes has been the General Manager of the Chinatown Restaurant since May 2008 responsible for the supervision and management of the Restaurant. Defendant Hayes reported to no one.

4. Defendant Joyce P.Y. Hayes was solely responsible for all hiring and firing of employees.

5. Defendant Joyce P.Y. Hayes was solely responsible for employee compensation.

6. Defendant Chinatown Restaurant Corporation was an enterprise engaged in interstate commerce under the FLSA and its regulations. Defendants employed employees in interstate commerce, including employees handling, selling or otherwise working on goods or materials that have been moved in or produced for interstate commerce, all during the relevant time period.

7. Defendants regularly transacted business in this district during the relevant time period.

8. During all relevant time periods, Chinatown Restaurant was open seven days a week.

9. The posted hours on which Chinatown Restaurant was open for business were as follows:

Monday to Thursday	11:30 am – 10:00 pm
Friday & Saturday	11:30 am – 10:30 pm
Sunday	12 noon – 10:00 pm

10. Some of the employees lived in or near Boston and had no transportation to go to work in Brockton.

11. The Restaurant owned and operated a company van that picked up employees in the morning from Boston's Chinatown and drove them to the restaurant in Brockton.

12. When the restaurant closed in the evening, the company van drove employees and dropped them off in Boston.

13. Defendants paid employees every two weeks on a bi-weekly basis.

14. Plaintiff Jin Ming Lin was employed by the Restaurant from May 10, 2008 until February 7, 2009 as a driver who drove other Restaurant employees to and from work in the mornings and in the evenings after the Restaurant closed.

15. Plaintiff Chi Wai Chao was employed by the Restaurant from July 29, 2008 until February 3, 2009 as a front desk person.

16. Plaintiff Yook Thai Cheah was employed by the Restaurant from approximately November 2, 2008 until January 15, 2011 packaging take-out orders.

17. From April 2009 until the end of her employment at the Restaurant on January 15, 2011, Plaintiff Yook Thai Cheah worked at the front desk taking phone orders, processing take-out orders, tending to the cash register, bartending and acting as hostess.

18. Plaintiff Ming F. Fung was employed by the Restaurant from approximately May 4, 2008 until August 9, 2008 as an appetizer cook.

19. Plaintiff Muoi Giang was employed by the Restaurant from approximately July 11, 2010 until March 3, 2012 as an appetizer cook.

20. Plaintiff Yuen Yue Soohoo was employed by the Restaurant from approximately May 4, 2008 until October 31, 2009 as a meat preparer.

21. Plaintiff Mei Zhi was employed by the Restaurant from approximately February 8, 2009 until July 25, 2009 as a cook.

22. All plaintiffs were non-exempt employees subject to overtime.

23. Defendants have produced every document in their possession, custody and control and of their accountant's possession, custody and control regarding the payment of wages to its employees. Defendants and their accountant have conducted an intensive and exhaustive review searching for these records. If there are gaps in these records, they either were never produced by defendants or their accountant no longer has them. In most instances Defendants did not themselves store the records.

RESPECTFULLY SUBMITTED,

For Plaintiffs

By their attorneys,

/s/ Myong J. Joun

Myong J. Joun
BBO No. 645099
Joun Law Office
491 Massachusetts Ave., Suite 208
Arlington, Massachusetts 02474
Tel.: (617) 304-6186
Fax: (866) 551-4983
Email: mjoun@massrights.com

/s/ Jeffrey Wiesner

Jeffrey Wiesner
BBO No. 655814
Stern, Shapiro, Weissberg & Garin, LLP
90 Canal Street, Suite 500
Boston, MA 02114-2022
Tel.: (617) 742-5800
Fax: (617) 742-5858
Email: jwiesner@sswg.com

**For Defendant Chinatown
Restaurant Corp.,**
By their attorney,

/s/ David Berman

David Berman
BBO No. 040060
100 George P. Hassett Drive
Medford, MA 02155-3297
Tel: (781) 395-7520
Fax: (781) 395-9658
davidberman2@verizon.net

For Defendant Joyce P.Y. Hayes,
By her attorney,

/s/ Lawrence M. Siskind

Lawrence M. Siskind
BBO No. 465180
Siskind & Siskind
360 Belmont Street
Brockton, MA 02301
Tel.: (508) 588-5015
Fax: (508) 588-5019
lawrence@siskindlaw.com

Dated: October 16, 2012

CERTIFICATE OF SERVICE

I certify that on this day I caused a true copy of
the above document to be served upon the
attorney of record for all parties via CM/ECF.

Date: 10/16/2012 /s/Myong J. Joun
Myong J. Joun